

Date of decision: 1-5-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.K. KESHOTE, J
(1-5-1996)

ORAL JUDGMENT:

None present for the petitioner.
Miss Sejal Mandavia for the respondents.
The matter was taken up for hearing in the first, second and finally in the third round, but no body appeared on behalf of the petitioner.

Ms. Sejal Mandavia, learned counsel for the respondents states that this case is covered by the judgment of this Court in Special Civil Application No. 225 of 1986

and other allied matters delivered on 13-3-1996. She contended that this is a matter where the petitioner was given appointment for fixed term of 29 days during the period from 1-12-1982 to 3-12-1985. Appointment of the petitioner came to an end by efflux of time and no order of termination was required to be passed. I find sufficient merit in the contention raised by the learned counsel for the respondents.

2. It is a case of only temporary appointment given for fixed term which does not give any rights to continue on the post. It was a temporary appointment for limited period and it came to an end by efflux of time for which no order of termination was required. It is well settled law that a temporary Government servant does not become permanent unless he acquires that capacity by force of any rule or he is declared a permanent servant. Reference in this respect may be made to the decision of the Supreme Court in the case of Madhya Pradesh Hasta Shilpa Vikas Nigam Limited vs. Devendra Kumar Jain, reported in JT 1995 (1) S.C. 198. None of legal or fundamental right of the petitioner is infringed. I do not find any merit in this writ petition. The writ petition is dismissed. Rule discharged. No order as to costs.

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